

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LISA TORREY, KATHRYN KOCUREK)
Individually and on behalf of the Estate of J.)
DAVID KOCUREK, PH.D., LANA BARNES)
Individually and on behalf of the Estate of AL)
BARNES, AMY HANNEKEN, JANE)
POWELL, CAROL FISCH, CHRISTOPHER)
VALERIO, STEVEN WARD, RANDY)
SYKES, BRIENNA REED, ROSETTA)
FULLER, ADRIANA MONTEIRO)
MOREIRA, JESSICA MCKINNIE, KRISTINE)
WOODWARD, GAIL MEADS, DR. MICHAEL)
FUNDENBERGER, GAYLE CLARKE,)
ALLISON LYNN CARUANA, CHLOE)
LOHMEYER, MAX SHINDLER, TAWNYA)
DAWN SMITH, Individually and as Next Friend)
of MONET PITRE, MIKE PEACHER, Individually)
and as Next Friend of ASHLEIGH PEACHER,)
ALARIE BOWERMAN, Individually and as Next)
Friend of ELISA BOWERMAN, EMORY)
BOWERMAN, and ANAIS BOWERMAN,)
)
Plaintiffs,)
)
v.)
)
INFECTIOUS DISEASES SOCIETY OF)
AMERICA, BLUE CROSS AND BLUE)
SHIELD ASSOCIATION, ANTHEM, INC.,)
BLUE CROSS AND BLUE SHIELD OF)
TEXAS, AETNA INC., CIGNA)
CORPORATION, KAISER PERMANENTE,)
INC., UNITED HEALTHCARE SERVICES,)
INC., UNITEDHEALTH GROUP)
INCORPORATED, DR. GARY P. WORMSER,)
DR. RAYMOND J. DATTWYLER, DR.)
EUGENE SHAPIRO, DR. JOHN J.)
HALPERIN, DR. ROBERT B. NADELMAN,)
DR. LEONARD SIGAL, AND DR. ALLEN)
STEERE,)
)
Defendants.)
)

Civil Action No.
5:17-cv-00190-RWS

**DECLARATION OF JOHN J. HALPERIN, M.D. IN SUPPORT OF INFECTIOUS
DISEASES SOCIETY OF AMERICA, DR. GARY P. WORMSER, DR. RAYMOND J.
DATTWYLER, DR. EUGENE SHAPIRO, DR. JOHN J. HALPERIN, DR. ROBERT B.
NADELMAN, DR. LEONARD SIGAL, AND DR. ALLEN STEERE'S
MOTION TO DISMISS**

I, John J. Halperin, M.D., do hereby declare as follows:

1. I currently reside in Short Hills, New Jersey.
2. I obtained my Bachelor's degree in physics from Massachusetts Institute of Technology in 1971. I obtained my medical degree from Harvard Medical School in 1975.
3. From July 1975 to June 1977, I worked as a resident in Internal Medicine at the University of Chicago Hospitals and Clinics.
4. From July 1977 to June 1980, I worked as a resident in neurology at the Massachusetts General Hospital.
5. From July 1980 to June 1983, I worked as a fellow in neuromuscular disease and basic research at the Massachusetts General Hospital.
6. From 2005 to the present, I have been employed by Atlantic Health System, primarily at Overlook Medical Center in Summit, New Jersey, working as a clinical neurologist and as the Medical Director of Neurosciences (the department including Neurology and Neurosurgery) for the Atlantic Health System, a five-hospital system in central New Jersey. At the same time, I oversee a research laboratory and teach medicine residents and medical students.
7. At Atlantic Health, in addition to developing and overseeing the neurosciences department, I have played a major role in hospital quality assurance and prevention of hospital-acquired conditions. From 2006-2013, I served as a Board member of the Sharing Network, New Jersey's organ donation group, the last two years as chair of the Board. Working with colleagues around the state, I spearheaded the updating of New Jersey's brain death regulations and hospital policies, a role I played from 2004-2005 in New York State. Since 2007, I have served as a member of New Jersey's Stroke Advisory Panel, a group appointed by the state government to advise on stroke policy; I have chaired this group since 2015. I served for 20 years as a Board Examiner in Adult Neurology for the American Board of Psychiatry & Neurology. Since 2009, I have served on the Guideline Development Committee of the American Academy of Neurology, authoring guidelines on normal pressure hydrocephalus, facial nerve palsy, Lyme disease, and neurocysticercosis. I have served on multiple NIH Study Sections, serving for the past two years as a standing ad hoc member of the NINDS study section on brain tumors and neuroinfectious disease.
8. I have never lived or worked in Texas.


9. I have never owned property in Texas and have never owned all or part of a company or partnership that does business in Texas, excluding my minority holdings (always less than 10%) of publicly traded companies.
10. In the past five years, my visits to Texas have been almost exclusively for personal purposes. My son and daughter-in-law and their family moved to Houston in 2012, and I visited them there 3-5 weekends per year.
11. I can recall only a few professional visits to Texas. Several years ago, I visited for one day Memorial Hermann-Texas Medical Center in Houston, Texas, to see its stroke service. I was not compensated by Memorial Hermann or any other Texas company or person for this visit, which was part of my ongoing work for Atlantic Health System in New Jersey. I have on at least one occasion attended a professional meeting in Texas, but the only one I now can recall was many years ago. I cannot recall any engagements by any law firms based in Texas, any consulting roles related to Texas, or any funding for any of my projects from any Texas-based foundations or other sources.
12. I have reviewed the complaint filed in the above-captioned matter, which I understand Plaintiffs have initiated against me and other defendants in the United States District Court for the Eastern District of Texas, Texarkana Division, regarding my work done on behalf of the Infectious Diseases Society of America ("IDSA") in developing the 2006 Lyme disease guidelines.
13. None of the work I performed on behalf of IDSA in relation to the Lyme disease guidelines was in Texas or connected to Texas in any way.
14. Although most of my work is in New Jersey, I have worked on various publications and committees with colleagues from New York and have worked in New York and with colleagues based in New York in other ways.
15. From 1983 to 1992, I was on the Neurology faculty at the State University of New York, Stony Brook. From 1993 to 2004, I chaired the Department of Neurology at North Shore University Hospital, during which time I served on the Neurology faculty first of Cornell University (1992-1996) and then New York University. In 2005, I assumed my current responsibilities leading the Neurosciences Service Line at Atlantic Health in New Jersey. In this role, I remained on the New York University faculty until 2007, when our organization affiliated with the Mount Sinai School of Medicine, whereupon I became a Professor of Neurology (and Medicine; 2011) there, until we became a Thomas Jefferson University academic affiliate in 2015, where I then became a Professor of Neurology & Medicine. I have been actively engaged in teaching medical students and residents from New York and New Jersey and periodically have traveled to New York to teach. Since 2005, my salary has been paid by Atlantic Health and has not been supported by any of the medical schools.
16. Some of the patients I treat at my office in New Jersey are New York residents who travel to New Jersey for treatment. I estimate that over the past two years I have treated 36 patients from New York.

17. It would be inconvenient for me to be required to defend against the Plaintiffs' allegations in a court located in Texarkana, Texas, which is nowhere near where I live or work. My work as a doctor, clinical leader, and researcher requires my physical presence at my place of work so that I can see patients, perform research, and oversee my department. Traveling to Texarkana, Texas – which has no direct flights from New Jersey or New York – for any pre-trial court appearances or trial would require me to take multiple days off from work, making me unavailable for patient care, research activities, and my leadership roles during those times, among other inconveniences.
18. It would be significantly less of a burden for me to have to defend against the Plaintiffs' allegations at a court located in New York, because New York is so close to where I live and work and because I am often in New York for professional and personal purposes.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on:

2/12/2018
Date



John J. Halperin, M.D.